

House File 2280 - Reprinted

HOUSE FILE 2280

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 604)

(As Amended and Passed by the House February 17, 2010)

A BILL FOR

1 An Act providing for the treatment of animals other than
2 agricultural animals, by providing for regulation of
3 commercial establishments, providing for fees, providing
4 penalties, and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 162.1, Code 2009, is amended to read as
2 follows:

3 **162.1 Policy Purpose and scope.**

4 1. The purpose of this chapter is to accomplish all of the
5 following:

6 1. a. ~~To insure~~ Insure that all dogs and cats handled by
7 ~~boarding kennels, commercial kennels, commercial breeders,~~
8 ~~dealers, and public auctions~~ commercial establishments are
9 provided with humane care and treatment by regulating.

10 b. Regulate the transportation, sale, purchase, housing,
11 care, handling, and treatment of ~~such animals~~ dogs and cats by
12 persons ~~or organizations~~ engaged in transporting, buying, or
13 selling them and to provide.

14 c. Provide that all vertebrate animals consigned to pet
15 shops are provided humane care and treatment by regulating the
16 transportation, sale, purchase, housing, care, handling, and
17 treatment of such animals by pet shops.

18 2. d. ~~To authorize~~ Authorize the sale, trade, or adoption
19 of only those animals which appear to be free of infectious or
20 communicable disease.

21 3. e. ~~To protect~~ Protect the public from zoonotic disease.

22 2. This chapter does not apply to livestock as defined
23 in section 717.1 or any other agricultural animal used in
24 agricultural production as provided in chapter 717A.

25 Sec. 2. Section 162.2, Code Supplement 2009, is amended by
26 adding the following new subsections:

27 NEW SUBSECTION. 4A. "Animal Welfare Act" means the
28 federal Animal Welfare Act, 7 U.S.C. ch. 54, and regulations
29 promulgated by the United States department of agriculture and
30 published in 9 C.F.R. ch. 1.

31 NEW SUBSECTION. 4B. "Authorization" means a state license,
32 certificate of registration, or permit issued or renewed by the
33 department to a commercial establishment as provided in section
34 162.2A.

35 NEW SUBSECTION. 6A. "Commercial establishment" or

1 *"establishment"* means an animal shelter, boarding kennel,
2 commercial breeder, commercial kennel, dealer, pet shop, pound,
3 public auction, or research facility.

4 NEW SUBSECTION. 8A. *"Department"* means the department of
5 agriculture and land stewardship.

6 NEW SUBSECTION. 9A. *"Federal license"* means a license
7 issued by the United States department of agriculture to a
8 person classified as a dealer or exhibitor pursuant to the
9 federal Animal Welfare Act.

10 NEW SUBSECTION. 9B. *"Federal licensee"* means a person to
11 whom a federal license as a dealer or exhibitor is issued.

12 NEW SUBSECTION. 10A. *"Permittee"* means a commercial
13 breeder, dealer, or public auction to whom a permit is issued
14 by the department as a federal licensee pursuant to section
15 162.2A.

16 NEW SUBSECTION. 15A. *"Registrant"* means a pound, animal
17 shelter, or research facility to whom a certificate of
18 registration is issued by the department pursuant to section
19 162.2A.

20 NEW SUBSECTION. 16A. *"State fiscal year"* means the fiscal
21 year described in section 3.12.

22 NEW SUBSECTION. 16B. *"State licensee"* means any of the
23 following:

24 a. A boarding kennel, commercial kennel, or pet shop to whom
25 a state license is issued by the department pursuant to section
26 162.2A.

27 b. A commercial breeder, dealer, or public auction to whom
28 a state license is issued in lieu of a permit by the department
29 pursuant to section 162.2A.

30 Sec. 3. Section 162.2, subsections 6 and 13, Code Supplement
31 2009, are amended to read as follows:

32 6. *"Commercial breeder"* means a person, engaged in the
33 business of breeding dogs or cats, who sells, exchanges,
34 or leases dogs or cats in return for consideration, or who
35 offers to do so, whether or not the animals are raised,

1 trained, groomed, or boarded by the person. A person who
 2 owns or harbors three or fewer breeding males or females is
 3 not a commercial breeder. However, a person who breeds ~~or~~
 4 ~~harbors more than three~~ any number of breeding male or female
 5 greyhounds for the purposes of using them for pari-mutuel
 6 ~~racine~~ wagering at a racetrack as provided in chapter 99D shall
 7 be considered a commercial breeder irrespective of whether
 8 the person sells, leases, or exchanges the greyhounds for
 9 consideration or offers to do so.

10 13. *"Pound" or "dog pound"* means a facility for the
 11 prevention of cruelty to animals operated by the state, a
 12 municipal corporation, or other political subdivision of the
 13 state for the purpose of impounding or harboring seized stray,
 14 homeless, abandoned or unwanted dogs, cats or other animals; or
 15 a facility operated for such a purpose under a contract with
 16 any municipal corporation or incorporated society.

17 Sec. 4. NEW SECTION. **162.2A Application, issuance, and**
 18 **renewal of authorizations.**

19 1. The department shall provide for the operation
 20 of a commercial establishment by issuing or renewing an
 21 authorization, including any of the following:

22 a. A certificate of registration for a pound, animal,
 23 shelter, or research facility.

24 b. A state license for a boarding kennel, commercial kennel,
 25 or pet shop.

26 c. A state license or permit for a commercial breeder,
 27 dealer, or public auction. A federal licensee must apply for
 28 and be issued either a permit or a state license in lieu of a
 29 permit.

30 2. A person must be issued a separate state license,
 31 certificate of registration, or permit for each commercial
 32 establishment owned or operated by the person.

33 3. A person must apply for the issuance or renewal of an
 34 authorization on forms and according to procedures required by
 35 rules adopted by the department. The application shall contain

1 information required by the department, including but not
2 limited to all of the following:

3 *a.* The person's name.

4 *b.* The person's principal office or place of business.

5 *c.* The name, address, and type of establishment covered by
6 the authorization.

7 *d.* The person's identification number. Notwithstanding
8 chapter 22, the department shall keep the person's tax
9 identification number confidential except for purposes of tax
10 administration by the department of revenue, including as
11 provided in section 421.18.

12 4. The authorization expires on an annual basis as
13 provided by the department, and must be renewed by the
14 commercial establishment on an annual basis on or before the
15 authorization's expiration date.

16 5. *a.* A commercial establishment applying for the issuance
17 or renewal of a permit shall provide the department with proof
18 that the person is a federal licensee.

19 *b.* The department shall not require that it must enter onto
20 the premises of a commercial establishment in order to issue a
21 permit. The department shall not require that it must enter
22 onto the premises of a commercial establishment in order to
23 renew a permit, unless it has reasonable cause to monitor the
24 commercial establishment as provided in section 162.10C.

25 Sec. 5. NEW SECTION. **162.2B Fees.**

26 The department shall establish, assess, and collect fees as
27 provided in this section.

28 1. A commercial establishment shall pay authorization fees
29 to the department for the issuance or renewal of a certificate
30 of registration, state license, or permit.

31 *a.* For the issuance or renewal of a certificate of
32 registration, seventy-five dollars.

33 *b.* For the issuance or renewal of a state license or permit,
34 one hundred seventy-five dollars. However, a commercial
35 breeder who owns, keeps, breeds, or transports a greyhound dog

1 for pari-mutuel wagering at a racetrack as provided in chapter
2 99D shall pay a different fee for the issuance or renewal of a
3 state license as provided in rules adopted by the department.

4 2. The department shall retain all fees that it collects
5 under this section for the exclusive purpose of administering
6 and enforcing the provisions of this chapter. The fees shall
7 be considered repayment receipts as defined in section 8.2.
8 The general assembly shall appropriate moneys to the department
9 each state fiscal year necessary for the administration and
10 enforcement of this chapter.

11 Sec. 6. Section 162.3, Code 2009, is amended by striking the
12 section and inserting in lieu thereof the following:

13 **162.3 Operation of a pound — certificate of registration.**

14 A pound shall only operate pursuant to a certificate of
15 registration issued or renewed by the department as provided
16 in section 162.2A. A pound may sell dogs or cats under its
17 control, if sales are allowed by the department. The pound
18 shall maintain records as required by the department in order
19 for the department to ensure the pound's compliance with the
20 provisions of this chapter.

21 Sec. 7. Section 162.4, Code 2009, is amended by striking the
22 section and inserting in lieu thereof the following:

23 **162.4 Operation of an animal shelter — certificate of**
24 **registration.**

25 An animal shelter shall only operate pursuant to a
26 certificate of registration issued or renewed by the department
27 as provided in section 162.2A. An animal shelter may sell dogs
28 or cats if sales are allowed by the department. The animal
29 shelter facility shall maintain records as required by the
30 department in order for the department to ensure the animal
31 shelter's compliance with the provisions of this chapter.

32 Sec. 8. NEW SECTION. **162.4A Operation of a research**
33 **facility — certificate of registration.**

34 A research facility shall only operate pursuant to a
35 certificate of registration issued by the department as

1 provided in section 162.2A. The research facility shall
2 maintain records as required by the department in order for the
3 department to ensure the research facility's compliance with
4 the provisions of this chapter. A research facility shall not
5 purchase a dog or cat from a commercial establishment that does
6 not have a valid authorization issued or renewed under this
7 chapter or a similar authorization issued or renewed by another
8 state.

9 Sec. 9. Section 162.5, Code 2009, is amended by striking the
10 section and inserting in lieu thereof the following:

11 **162.5 Operation of a pet shop — state license.**

12 A pet shop shall only operate pursuant to a state license
13 issued or renewed by the department pursuant to section
14 162.2A. The pet shop shall maintain records as required by the
15 department in order for the department to ensure the pet shop's
16 compliance with the provisions of this chapter. A pet shop
17 shall not purchase a dog or cat from a commercial establishment
18 that does not have a valid authorization issued or renewed
19 under this chapter or a similar authorization issued or renewed
20 by another state.

21 Sec. 10. NEW SECTION. **162.5A Operation of a boarding kennel**
22 **— state license.**

23 A boarding kennel shall only operate pursuant to a state
24 license issued by the department as provided in section 162.2A.
25 The boarding kennel shall maintain records as required by
26 the department in order for the department to ensure the
27 boarding kennel's compliance with the provisions of this
28 chapter. A boarding kennel shall not purchase a dog or cat
29 from a commercial establishment that does not have a valid
30 authorization issued or renewed under this chapter or a similar
31 authorization issued or renewed by another state.

32 Sec. 11. Section 162.6, Code 2009, is amended by striking
33 the section and inserting in lieu thereof the following:

34 **162.6 Operation of a commercial kennel — state license.**

35 A commercial kennel shall only operate pursuant to a state

1 license issued or renewed by the department as provided in
 2 section 162.2A. A commercial kennel shall maintain records
 3 as required by the department in order for the department to
 4 ensure the commercial kennel's compliance with the provisions
 5 of this chapter. A commercial kennel shall not purchase a dog
 6 or cat from a commercial establishment that does not have a
 7 valid authorization issued or renewed under this chapter or a
 8 similar authorization issued or renewed by another state.

9 Sec. 12. Section 162.7, Code 2009, is amended by striking
 10 the section and inserting in lieu thereof the following:

11 **162.7 Operation of a dealer — state license or permit.**

12 A dealer shall only operate pursuant to a state license,
 13 or a permit, issued or renewed by the department as provided
 14 in section 162.2A. A dealer who is a state licensee shall
 15 maintain records as required by the department in order for the
 16 department to ensure compliance with the provisions of this
 17 chapter. A dealer who is a permittee may, but is not required
 18 to maintain records. A dealer shall not purchase a dog or cat
 19 from a commercial establishment that does not have a valid
 20 authorization issued or renewed under this chapter or a similar
 21 authorization issued or renewed by another state.

22 Sec. 13. Section 162.8, Code 2009, is amended by striking
 23 the section and inserting in lieu thereof the following:

24 **162.8 Operation of a commercial breeder — state license or**
 25 **permit.**

26 A commercial breeder shall only operate pursuant to a state
 27 license, or a permit, issued or renewed by the department
 28 as provided in section 162.2A. A commercial breeder who is
 29 a state licensee shall maintain records as required by the
 30 department in order for the department to ensure the commercial
 31 breeder's compliance with the provisions of this chapter. A
 32 commercial breeder who is a permittee may but is not required
 33 to maintain records. A commercial breeder shall not purchase a
 34 dog or cat from a commercial establishment that does not have a
 35 valid authorization issued or renewed under this chapter or a

1 similar authorization issued or renewed by another state.

2 Sec. 14. NEW SECTION. **162.9A Operation of a public auction**
3 **— state license or permit.**

4 A public auction shall only operate pursuant to a state
5 license, or a permit, issued or renewed by the department
6 as provided in section 162.2A. A public auction which is
7 a state licensee shall maintain records as required by the
8 department in order for the department to ensure the public
9 auction's compliance with the provisions of this chapter. A
10 public auction which is a permittee may but is not required to
11 maintain records. A public auction shall not purchase a dog or
12 cat from a commercial establishment that does not have a valid
13 authorization issued or renewed under this chapter or a similar
14 authorization issued or renewed by another state.

15 Sec. 15. NEW SECTION. **162.10A Commercial establishments —**
16 **standard of care.**

17 1. *a.* A commercial establishment shall provide for a
18 standard of care that ensures that an animal in its possession
19 or under its control is not lacking any of the following:

20 (1) Adequate feed, adequate water, housing facilities,
21 sanitary control, or grooming practices, if such lack causes
22 adverse health or suffering.

23 (2) Veterinary care.

24 *b.* A commercial establishment, other than a research
25 facility or pet shop, shall provide for the standard of care
26 for dogs and cats in its possession or under its control, and a
27 research facility or pet shop shall provide for the standard
28 of care for vertebrate animals in its possession or under its
29 control.

30 2. *a.* Except as provided in paragraph "b" or "c", a
31 commercial establishment shall comply with rules that the
32 department adopts to implement subsection 1. A commercial
33 establishment shall be regulated under this paragraph "a"
34 unless the person is a state licensee as provided in paragraph
35 "b" or a permittee as provided in paragraph "c".

1 *b.* A state licensee who is a commercial breeder owning,
2 breeding, transporting, or keeping a greyhound dog for
3 pari-mutuel wagering at a racetrack as provided in chapter 99D
4 may be required to comply with different rules adopted by the
5 department.

6 *c.* A permittee is not required to comply with rules that the
7 department adopts to implement a standard of care as provided
8 in subsection 1 for state licensees and registrants. The
9 department may adopt rules regulating a standard of care for
10 a permittee, so long as the rules are not more restrictive
11 than required for a permittee under the Animal Welfare Act.
12 However, the department may adopt prescriptive rules relating
13 to the standard of care. Regardless of whether the department
14 adopts such rules, a permittee meets the standard of care
15 required in subsection 1, if it voluntarily complies with rules
16 applicable to state licensees or registrants. A finding by
17 the United States department of agriculture that a permittee
18 complies with the Animal Welfare Act is not conclusive when
19 determining that the permittee provides a standard of care
20 required in subsection 1.

21 3. A commercial establishment fails to provide for a
22 standard of care as provided in subsection 1, if the commercial
23 establishment commits abuse as described in section 717B.2,
24 neglect as described in section 717B.3, or torture as provided
25 in section 717B.3A.

26 Sec. 16. NEW SECTION. 162.10B Commercial establishments —
27 inspecting state licensees and registrants.

28 The department may inspect the commercial establishment of
29 a registrant or state licensee by entering onto its business
30 premises at any time during normal working hours. The
31 department may inspect records required to be maintained by the
32 state licensee or registrant as provided in this chapter. If
33 the owner or person in charge of the commercial establishment
34 refuses admittance, the department may obtain an administrative
35 search warrant issued under section 808.14.

1 Sec. 17. NEW SECTION. **162.10C Commercial establishments**
2 **— monitoring permittees.**

3 1. The department may monitor the commercial establishment
4 of a permittee by entering onto its business premises at
5 any time during normal working hours. The department shall
6 monitor the commercial establishment for the limited purpose of
7 determining whether the permittee is providing for a standard
8 of care required for permittees under section 162.10A. If
9 the owner or person in charge of the commercial establishment
10 refuses admittance, the department may obtain an administrative
11 search warrant issued under section 808.14.

12 2. In order to enter onto the business premises of a
13 permittee's commercial establishment, the department must have
14 reasonable cause to suspect that the permittee is not providing
15 for the standard of care required for permittees under section
16 162.10A. Reasonable cause must be supported by any of the
17 following:

18 *a.* An oral or written complaint received by the department
19 by a person. The complainant must provide the complainant's
20 name and address and telephone number. Notwithstanding chapter
21 22, the department's record of a complaint is confidential,
22 unless any of the following apply:

23 (1) The results of the monitoring are used in a contested
24 case proceeding as provided in chapter 17A or in a judicial
25 proceeding.

26 (2) The record is sought in discovery in any administrative,
27 civil, or criminal case.

28 (3) The department's record of a complaint is filed by a
29 person other than an individual.

30 *b.* A report prepared by a person employed by the United
31 States department of agriculture that requires a permittee to
32 take action necessary to correct a breach of standard of care
33 required of federal licensees by the Animal Welfare Act or of
34 permittees by section 162.10A. The department is not required
35 to dedicate any number of hours to viewing or analyzing such

1 reports.

2 3. When carrying out this section, the department may
3 cooperate with the United States department of agriculture.
4 The department shall report any findings resulting in an
5 enforcement action under section 162.10D to the United States
6 department of agriculture.

7 Sec. 18. NEW SECTION. 162.10D **Commercial establishments**
8 **— disciplinary actions.**

9 1. The department may take disciplinary action against a
10 person by suspending or revoking the person's authorization for
11 violating a provision of this chapter or chapter 717B, or who
12 commits an unlawful practice under section 714.16.

13 2. The department may require that an owner, operator, or
14 employee of a commercial establishment subject to disciplinary
15 action under subsection 1 to complete a continuing education
16 program as a condition for retaining an authorization.
17 This section does not prevent a person from voluntarily
18 participating in a continuing education program.

19 3. The department shall administer the continuing education
20 program by either providing direct instruction or selecting
21 persons to provide such instruction. The department is not
22 required to compensate persons for providing the instruction,
23 and may require attendees to pay reasonable fees necessary to
24 compensate the department providing the instruction or a person
25 selected by the department to provide the instruction. The
26 department shall, to every extent possible, select persons to
27 provide the instruction by consulting with organizations that
28 represent commercial establishments, including but not limited
29 to the Iowa pet breeders association.

30 4. The department shall establish the criteria for a
31 continuing education program which shall include at least three
32 and not more than eight hours of instruction. The department
33 shall provide for the program's beginning and ending dates.
34 However, a person must complete the program in twelve months
35 or less.

1 Sec. 19. Section 162.11, subsections 1 and 3, Code 2009, are
2 amended by striking the subsections.

3 Sec. 20. Section 162.11, subsection 2, Code 2009, is amended
4 by striking the subsection and inserting in lieu thereof the
5 following:

6 2. This chapter does not apply to a federal licensee except
7 as provided in the following:

8 a. Section 162.1, subsection 2, and sections 162.2, 162.2A,
9 162.2B, 162.7, 162.8, 162.9A, 162.10A, 162.10C, 162.10D,
10 162.12A, and 162.13.

11 b. Section 162.1, subsection 1, but only to the extent
12 required to implement sections described in paragraph "a".

13 c. Section 162.16 but only to the extent required to
14 implement sections described in paragraph "a".

15 Sec. 21. Section 162.12, Code 2009, is amended to read as
16 follows:

17 **162.12 Denial or revocation of license or registration.**

18 A certificate of registration may be denied to any animal
19 shelter, pound, or animal shelter research facility and a
20 state license or ~~certificate of registration~~ may be denied
21 to any public auction, boarding kennel, commercial kennel,
22 ~~research facility~~, pet shop, commercial breeder, or dealer, or
23 an existing certificate of registration or state license may
24 be revoked by the secretary if, after public hearing, it is
25 determined that the housing facilities or primary enclosures
26 are inadequate under this chapter or if the feeding, watering,
27 cleaning, and housing practices at the pound, animal shelter,
28 public auction, pet shop, boarding kennel, commercial kennel,
29 research facility, or those practices by the commercial breeder
30 or dealer, are not in compliance with this chapter or with the
31 rules adopted pursuant to this chapter. The premises of each
32 registrant or state licensee or certificate holder shall be
33 open for inspection during normal business hours.

34 Sec. 22. NEW SECTION. **162.12A Civil penalties.**

35 The department shall establish, impose, and assess civil

1 penalties for violations of this chapter. The department may
2 by rule establish a schedule of civil penalties for violations
3 of this chapter. All civil penalties collected under this
4 section shall be deposited into the general fund of the state.

5 1. *a.* A commercial establishment that operates pursuant
6 to an authorization issued or renewed under this chapter is
7 subject to a civil penalty of not more than five hundred
8 dollars, regardless of the number of animals possessed or
9 controlled by the commercial establishment, for violating this
10 chapter. Except as provided in paragraph "*b*", each day that a
11 violation continues shall be deemed a separate offense.

12 *b.* This paragraph applies to a commercial establishment
13 that violates a standard of care involving housing as provided
14 in section 162.10A. The departmental official who makes
15 a determination that a violation exists shall provide a
16 corrective plan to the commercial establishment describing how
17 the violation will be corrected within a compliance period of
18 not more than fifteen days from the date of approval by the
19 official of the corrective plan. The civil penalty shall not
20 exceed five hundred dollars for the first day of the violation.
21 After that day, the department shall not impose a civil penalty
22 for the violation during the compliance period. The department
23 shall not impose an additional civil penalty, unless the
24 commercial establishment fails to correct the violation by the
25 end of the compliance period. If the commercial establishment
26 fails to correct the violation by the end of the compliance
27 period, each day that the violation continues shall be deemed a
28 separate offense.

29 2. A commercial establishment that does not operate
30 pursuant to an authorization issued or renewed under this
31 chapter is subject to a civil penalty of not more than one
32 thousand dollars, regardless of the number of animals possessed
33 or controlled by the commercial establishment, for violating
34 this chapter. Each day that a violation continues shall be
35 deemed a separate offense.

1 Sec. 23. Section 162.13, Code 2009, is amended to read as
2 follows:

3 **162.13 Penalties Criminal penalties — confiscation.**

4 ~~1. Operation of a pound, animal shelter, pet shop, boarding~~
5 ~~kennel, commercial kennel, research facility, or public~~
6 ~~auction, or dealing in dogs or cats, or both, either as a~~
7 ~~dealer or a commercial breeder, without a currently valid~~
8 ~~license or a certificate of registration is~~ A person who
9 operates a commercial establishment without an authorization
10 issued or renewed by the department as required in section
11 162.2A is guilty of a simple misdemeanor and each day of
12 operation is a separate offense.

13 ~~2. The failure of any pound, research facility, animal~~
14 ~~shelter, pet shop, boarding kennel, commercial kennel,~~
15 ~~commercial breeder, public auction, or dealer, to adequately~~
16 ~~house, feed, or water dogs, cats, or vertebrate animals in~~
17 ~~the person's or facility's possession or custody~~ a person
18 who owns or operates a commercial establishment to meet the
19 standard of care required in section 162.10A, subsection 1, is
20 a simple misdemeanor. The animals are subject to seizure and
21 impoundment and may be sold or destroyed as provided by rules
22 which shall be adopted by the department pursuant to chapter
23 17A. The rules shall provide for the destruction of an animal
24 by a humane method, including by euthanasia.

25 ~~3. The failure of a person who owns or operates a commercial~~
26 ~~establishment to meet the requirements of this section is~~
27 ~~also cause for the suspension or revocation or suspension~~
28 ~~of license or registration after public hearing of the~~
29 ~~person's authorization as provided in section 162.10D. The~~
30 ~~commission of an act declared to be an unlawful practice under~~
31 ~~section 714.16 or prohibited under chapter 717 or 717B, by~~
32 ~~a person licensed or registered under this chapter is cause~~
33 ~~for revocation or suspension of the license or registration~~
34 ~~certificate.~~

35 ~~4. Dogs, cats, and other vertebrates~~ vertebrate

1 animals upon which euthanasia is permitted by law may be
2 destroyed by a person subject to this chapter or chapter 169,
3 by a humane method, including euthanasia, as provided by rules
4 which shall be adopted by the department pursuant to chapter
5 17A.

6 5. It is unlawful for a dealer to knowingly ship a diseased
7 animal. A dealer violating this ~~paragraph~~ subsection is
8 subject to a fine not exceeding one hundred dollars.
9 Each diseased animal shipped in violation of this
10 ~~paragraph~~ subsection is a separate offense.

11 Sec. 24. Section 162.16, Code 2009, is amended by striking
12 the section and inserting in lieu thereof the following:

13 **162.16 Rules.**

14 The department shall adopt rules and promulgate forms
15 necessary to administer and enforce the provisions of this
16 chapter.

17 Sec. 25. Section 717B.1, Code 2009, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 3A. "*Department*" means the department of
20 agriculture and land stewardship.

21 Sec. 26. REPEAL. Sections 162.9, 162.10, and 162.18, Code
22 2009, are repealed.

23 Sec. 27. CURRENT DEPARTMENTAL RULES. This Act does not
24 diminish the authority of the department of agriculture and
25 land stewardship to regulate different types of commercial
26 establishments as provided in 21 IAC ch. 67.

27 Sec. 28. ISSUANCE OF PERMITS. This Act does not require
28 a commercial establishment that has been issued or renewed a
29 certificate of registration to be issued a permit earlier than
30 required in section 162.2A for the renewal of a permit. The
31 person shall hold the certificate of registration in the same
32 manner as a permit pursuant to this Act.

33 Sec. 29. EFFECTIVE UPON ENACTMENT. This Act, being deemed
34 of immediate importance, takes effect upon enactment.